

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2018-113-C - ORDER NO. 2018-290
APRIL 24, 2018

IN RE:	Application of Peak Tower, LLC for a)	ORDER APPOINTING
	Certificate of Public Convenience and)	HEARING EXAMINER
	Necessity to Provide Resold and Facilities-)	
	Based Local Exchange, Exchange Access)	
	and Interexchange Telecommunications)	
	Services in the State of South Carolina, and)	
	For Alternative and Flexible Regulation)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the request of the Commission Staff to appoint B. Randall Dong, Esquire, to serve as a hearing examiner in the present docket regarding the Application of Peak Tower, LLC for a Certificate of Public Convenience and Necessity to Provide Intrastate Resold and Facilities-Based Local Exchange, Exchange Access and Interexchange Telecommunications Services in South Carolina. Mr. Dong would hear the evidence in the case without the presence of the Commission. We grant the Motion.

S.C. Code Ann. Section 58-9-1020 (1976) allows the Commission to employ a special agent or examiner in a telecommunications hearing. This person may administer oaths, examine witnesses, and receive evidence in any locality which the Commission may designate. The examiner may not be used in a telephone rate proceeding under the statute. We note that the present proceeding is not a telephone rate proceeding.

Further, 10 S.C. Code Ann. Regs. 103-841 (2012) states that when evidence is to be taken in a formal proceeding before the Commission, any Commissioner or any

hearing examiner designated by the Commission may preside at the hearing. The presiding officer has the duty to conduct full, fair, and impartial hearings under Section B of the regulation. Section C of the regulation addresses submittal of a proposed order and the process by which an order shall be issued based upon the record of the formal proceeding. We believe that this regulation describes the appropriate procedure for Mr. Dong to employ as a hearing examiner in the present case.

Mr. Dong, a licensed attorney since 1990, is a Staff Attorney to the Commission and has been employed in that position since 2006. We believe that Mr. Dong has the ability and knowledge to properly carry out the hearing examiner's role in this case, and we therefore grant the Motion appointing him as hearing examiner.

In accordance with the preceding paragraphs, we make the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

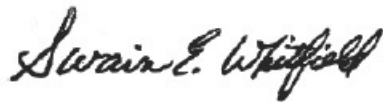
1. S.C. Code Ann. Section 58-9-1020 (1976) allows the Commission to employ a special agent or examiner in non-rate telecommunications hearings.
2. The present proceeding is not a telephone rate proceeding.
3. 10 S.C. Code Ann. Regs. 103-841 (2012) allows a hearing examiner designated by the Commission to preside at a hearing. This regulation sets out the duties and procedures to be employed by that examiner. These duties and procedures should be employed in the present case.
4. Mr. Dong has the ability and knowledge to act as a hearing examiner in the present case.
5. Mr. Dong should be appointed as the hearing examiner in this case.

ORDER

The Commission hereby appoints B. Randall Dong, Esquire, as the hearing examiner in the present case. Mr. Dong shall follow all applicable statutes and regulations that may pertain to his appointment.

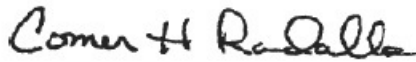
This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Swain E. Whitfield, Chairman

ATTEST:



Comer H. Randall, Vice Chairman